

ENTERED

July 23, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ORLANDO V WILLIAMS,

Plaintiff,

VS.

1960 FAMILY PRACTICE PA, *et al*,

Defendants.

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CIVIL ACTION NO. 4:19-CV-4522

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court in the above referenced proceeding are three Motions to Dismiss filed by each Defendant who has been served (Doc. Nos. 15, 22, 34); a Motion to Stay Discovery (Doc. No. 36; Plaintiff's response to Defendants' Motions to Dismiss (Doc. No. 39); and Judge Stacy's Memorandum and Recommendation (Doc. No. 42). The parties have not filed objections to the Memorandum and Recommendation and the time for doing so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Plaintiff's claims against Defendants Houston Methodist Hospital, Tarek Salah Rafati, Krystal Kimiagaree, The University of Texas MD Anderson Cancer Center, and Justin Bird should be dismissed for failure to state a claim. The Court further agrees with the Magistrate Judge's conclusion that Plaintiff's claims against the Defendant who have not been served, 1960 Family Practice PA, Gabrielle Wudarski, Francisco Ortiz, Dang H. Pham, Tara A. Hagopain and Madeline A. Hunt be dismissed without prejudice for failure to timely effect service and failure to prosecute. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. No. 42) is **ADOPTED**.

It is further

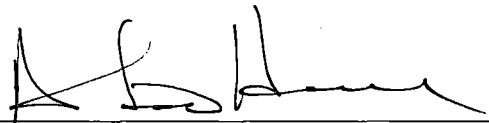
ORDERED that Defendants Houston Methodist Hospital, Tarek Salah Rafati, Krystal Kimiagaree, The University of Texas MD Anderson Cancer Center, and Justin Bird are **DISMISSED** with prejudice for Plaintiff's failure to state a claim. It is further

ORDERED that the Defendants who have not been served, 1960 Family Practice PA, Gabrielle Wudarski, Francisco Ortiz, Dang H. Pham, Tara A. Hagopain and Madeline A. Hunt are **DISMISSED** without prejudice for failure to timely effect service and failure to prosecute. It is further

ORDERED, as all other pending motions, including the Motion to Stay Discovery (Doc. No. 36), they are **DENIED** as **MOOT**.

Plaintiff's case is **DISMISSED**.

SIGNED at Houston, Texas, this 21st day of July 2020.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE